IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.l209 of 2005

Sanjay Chintaman Sawale.. petitioner
vs
State of Mah and ors..Respondents

Mr N V Bandiwadekar for petitioner
Mr C.R.Sonawane AGP for Respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 5.7.2005

P.C:

. Rule. By consent rule is made returnable forthwith. The learned AGP waives service for respondents.

. The petitioner was selected by the Regional Selection Board for the post of Junior Clerk and his name was recommended for appointment to respondent no. 3 Directorate of Libraries, Mumbai. However, the petitioner is not given the appointment on the ground that there is no vacancy available.

. Shri M B Mehsram, Director of Libraries has filed affidavit in reply in which he stated that there are vacancies now available on the establishment of respondent no. 3 in the cadre of

Junior Clerk but as per the Government policy the said vacancies are to be filed in by appointing candidates made available by the State from Surplus Cell maintained by it. Accordingly by a letter dt. l6.4.2005 annexed at page lll to the reply affidavit, the respondent. no. 3 has requested the respondent no. 4 to send 3 junior clerks from Surplus Cell but till date no names are received.It is also requested in said letter that if suitable candidates would not be available the respondent no.3 be permitted to fill in said posts by appropriate procedure.

. In the aforesaid circumstances, we direct that if the respondent.no. 3 would not receive the names of junior clerks from the Surplus Cell on or before 3l.l0.2005, then the respondent .no. 3 shall appoint petitioner as a junior clerk in one such vacancy w.e.f l.ll.2005 since the petitioner is already selected for the said post through the Regional Selection Board and his name has already been recommended to respondent no. 3 for appointment.

. Rule made absolute in aforesaid terms with no order as to costs.